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A

REVIEW

OF THE CASE OF

Brigadier-Gen. Joseph W. Revere,

U. S. VOLUNTEERS,

TRIED BY COURT-MARTIAL AND DISMISSED FROM

THE SERVICE OF THE UNITED STATES,

AUGUST 10, 1863.



BOSTON:

1864.

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“A STATEMENT

OF THE

*Case of Brigadier-General JOSEPH W. REVERE,
U. S. Volunteers, tried by Court-Martial and dismissed
from the Service of the U. S., August 10th, 1863, with
a Map, a copy of the Record of the Trial, and an
Appendix.”*

This is the title of a pamphlet issued by the above named officer, and addressed to his friends and the public, who, he believes, upon its perusal, “will acquit him of the censure cast upon him by the Court.”

Having carefully perused his statement, offered in lieu of a defence, which he did not make before the Court — himself and counsel not deeming a defence necessary, as the charges were not proved — we must say that his expectations are well founded.

An examination of the evidence adduced, which accompanies the statement, must convince the most skeptical that it not only does not support the charges, and clears the accused from any dishonor or crime, but also supports the claim of General Revere that his action on the occasion was that of an experienced, skilful, and sagacious soldier, and fully justifies the result of his movement.

It was a wise measure to have published the record in full of the Court Martial, thus enabling all who felt interested to examine and judge for themselves of the testimony adduced, which produced the remarkable finding and sentence, but which, we venture to say, in any civil court would have resulted in his triumphant acquittal.

This view of the case was evidently also the opinion of a majority of the Court, for they acquitted the accused of the charges, and, having carefully eliminated all that was incriminating in the specifications, proceeded to make a charge of their own, fitted the first specification to it, and then went on to make their finding and sentence, after the case had been closed, in secret session; the accused having, of course, no opportunity to meet this particular accusation, or offer evidence in his defence.

The charges do not appear to have been made in the spirit of zeal for the public service, but to effect a different end, and certainly were not justified by the facts of the case, or the results of the action complained of.

They must be characterized as vindictive, harsh, and unnecessary, save as regarded as a pretext to effect other ends than those of public justice, and were not even sanctioned by the Court, which was obliged to resort to extra-official action in order to inflict punishment, or rather vengeance, on the accused.

The battle of Chancellorsville, like all those fought in the ill-omened valley of the Rappahannock and its affluents, resulted in the inglorious retreat of the Army of the Potomac, over one hundred thousand strong, with an immense artillery, from before about sixty thousand rebels, inferior in artillery, equipments and supplies, and the country had to mourn the loss of the thousands of brave men, sacrificed without result to glaring incompetency.

Of course some general officers had to bear the responsibility of proving that there was blame somewhere, and we remember that Sedgwick and Stoneman were first attacked, in turn, by the discomfited Hooker, and after all the only victim secured in that rank was this officer holding a very subordinate command.

The official report of Gen. Revere accompanies his "statement," and, with the map annexed, throws much light on the battle and its accompaniments.

It is not a pleasant task to review the manœuvres of that badly fought field, but is sufficient for our purpose to state that the 2d Division, 3d Corps, in which was the Brigade of Gen. Revere, was ordered to the front on the Saturday evening, May 2d, 1863, to check the enemy, then pursuing the routed debris of the 11th Corps.

These gallant veterans did what was required of them in that and the succeeding great battle of Sunday, May 3d; and had they been properly supported, no doubt, instead of a defeat, victory must have crowned our arms.

They were not, however; and, after their repulse by vastly superior numbers, the battle was not again resumed, while Lee, by a rapid march, having accomplished the capture of the cross-roads at Chancellorsville, drove Sedgwick across the river, and returned to confront Hooker with our main body.

General Berry, commanding the 2d Division, 3d Corps, was killed on Sunday morning about 8 o'clock, and the next in seniority, Gen. Mott, was severely wounded, when Gen. Revere assumed command of the division, and collected a few hundred men a short distance from the scene of action, in rear of our second line which had not been engaged.

These troops being worn with the marching, watching and fighting of four days, and without food for the last twenty-four hours, he concluded to march them about two or three miles to the rear, to reorganize and bring fresh into the fight, on his own responsibility, and not knowing where to find his corps commander, he did so without any special orders, and returned to the front and reported to General Sickles, commanding the 3d Corps, at about 2, P.M., when that officer removed him from his command, and the next day he was arrested by Gen. Hooker, and tried at Falmouth on the 13th May following.

The charges preferred against him were two in number, with a specification under each, the first charge being "Misbehavior before the enemy;" the specification—"In this, that Brig. Gen. J. W. Revere, commanding Excelsior (2d) Brigade, 2d Division, 3d Corps, while said division was engaged with the enemy at Chancellorsville, Va., did march his command an unnecessary distance to the rear to reform it, and did then march with his brigade and such fragments of

other regiments of the same division as he could assemble, to United States Ford, about five miles from the scene of action." * "All this without orders from his superior officers, about 8 o'clock on the morning of May 3d, 1863."

The second charge was "Neglect of Duty," and its specification alleged that Gen. Revere abandoned on the field of battle certain military property, consisting of muskets, accoutrements, &c., and a certain number of rounds of ammunition, *including that which had been fired against the enemy* in the battle, while among the property was included the arms, &c., of the *killed and wounded* of his brigade. See the testimony of Captain Le Fort, Brigade Inspector, called by the prosecution to prove this charge, which the Court threw out of the case as it deserved, and acquitted the accused of this charge and specification.

The finding on the specification of the first charge was, "guilty," except the words, "while said division was engaged with the enemy at Chancellorsville, Va., did march his command an unnecessary distance to the rear to reform it," and then, "and to U. S. Ford, about five miles of the scene of action," substituting for the latter clause, "to about three miles of the scene of action, towards U. S. Ford," and "not guilty" of the first charge, but guilty of "conduct to the prejudice of good order and military discipline," and sentenced the accused to be dismissed from the military service of the United States.

The careless nature of the proceeding may be inferred from the fact that no place was specified in the charge on which this sentence was founded, time and place being always specified in military charges, as will be seen by the charges as found, which reads as follows:—

CHARGE.

"Conduct to the prejudice of good order and military discipline."

SPECIFICATION—"In this, that Brigadier General Joseph W. Revere, U. S. Vols., commanding Excelsior (2d) Brigade, 2d Division, 3d Corps, did march with his brigade, and such fragments of other regiments of the said division as he could assemble, to about three miles from the scene of action towards U. S. Ford. All this without orders from his superior officers, about 8 o'clock on the morning of May 3d, 1863."

And for this a gallant and veteran officer was sentenced to an ignominious punishment, and the sentence was approved by the President!!!

Now, if there is any one point of the military code and Articles of War, which is perfectly plain and clear, it is that a Court Martial cannot legally "alter or amend the original charges, or entertain additional ones," after the prisoner is arraigned, *vide* Benét and De Hart.

By the practice of Court Martial, the prosecution must be had under an Article of War, when the facts and circumstances point to a particular one of those articles, and the charge of "misbehavior before the enemy" was accordingly brought under Article 52, which

provides for that offence ; but this Court having acquitted the accused of that charge, found him guilty of a charge under Article 99, of which he had received no notice, and consequently no chance of defending himself, and gave judgment against him.

This was unlawful, cruel, and oppressive towards the accused, for similar cases, the highest authority, the War Department, have held that where a charge is laid under a specific Article, the accused must be found guilty of a violation of that Article, or be acquitted, and in this case the offence against the 99th Article should have been duly and regularly charged, in order that the accused should have notice of that which he was to answer. The precedents on this particular are numerous and well settled, and in the eye of the law the accused was entitled to a verdict of honorable acquittal, nothing having been proved against him criminal in the charges or specifications ; for the mere fact of marching a certain distance with his command is not a crime.

We acknowledge that, in certain cases, a Court Martial has authority to lessen the degree of crime alleged against an accused person, but here the charge originally preferred was cowardice, that being really the crime of “misbehavior before the enemy,” and no one will pretend to say there are *degrees* of so heinous a crime, the greatest, indeed, known to the military law.

If we had any doubts of the illegality of the proceedings of this Court, they would be dispelled by the following opinion from the best authority on military law in the country :—

WASHINGTON, Nov. 19, 1863.

DEAR SIR,—Thank you for the statement, &c., of the case of General Revere, just received. I had been presented with one before, as I suppose by the General, and read it with interest and mortification, interest because of its subject, and mortification that such injustice should have been done a gallant officer at the expense of the best established principles of military law ; but the times are sadly out of joint in these matters, not to remain so long, I hope.

With respect, &c.,

(Signed,)

REVERDY JOHNSON.

A. R. MACDONOUGH, Esq., New York.

The leading principles of military law are the same as those of the common law, and how a court composed of nine general officers could have held, a majority of its members voting for the finding and sentence, as they did, upon the evidence adduced, is more than we can understand, and certainly would lead any person to believe that there were some things in military law radically opposed to the rules of evidence demanded in the common law, or that the former was a sealed book. A slight examination, however, shows us that military law demands the same immutable idea of justice, as the oath of a member of a Court Martial will show :—

“ You ——— do swear that you will well and truly try and determine, according to evidence, the matter now before you, between

the U. S. of America and the prisoner to be tried, and that you will duly administer justice, according to the Acts, &c., without partiality, favor or affection, and if any doubt should arise, not explained by the Articles of War, according to your conscience, the best of your understanding, and the custom of war in like cases," &c., &c.

The first Article of War also requires that "Every officer of the U. S. shall, before entering upon the duties of his office, subscribe these Articles." McArthur, in his work on Courts Martial, says, "It is incumbent on all officers of his Majesty's Army and Navy to be informed upon the leading principles of military law, in order that they may do justice to his service, at the same time remembering that they may have the honor and the lives of his Majesty's subjects in their hands;" and appropos to the present case, we quote the following from the same high and ancient authority:—

"To make a complete crime against human laws, there must be a will and an act, so that to constitute such a crime there must be first a vicious will, and secondly an unlawful act consequent upon such vicious will."

No crime having been proved then against the accused, we must seek elsewhere for the reason of the verdict of the court, and accordingly we find that the command of the division assumed by General Revere, after General Berry had been killed and Mott wounded, had been given to General Carr, as he says in his testimony, by "the chief of staff."

Sickles also says in his evidence that General Carr was the senior of General Revere, and here we have the animus of these charges, and the true cause of the terrible blow aimed at the latter, while the cunning and artful insinuation is conveyed by the principal witnesses for the prosecution, that General Revere acted insubordinately in assuming that command.

Nothing, however, can be clearer than that Gen. Revere was the ranking officer, being a regular commissioned Brigadier General, confirmed by the Senate, while Carr was acting under an appointment only.

As the law stands, all appointments unconfirmed by the Senate during its session fall and are void, and this was the case in the present instance with regard to Carr, who, however, was reappointed by the President after the adjournment of that body in March, 1863.

But in no case has it been customary for military appointments to take precedence of commissions, among officers; and, if it were so, of what use are commissions at all?

This principle has been decided over and over again, and latterly in the case of Gen. Schofield by the Department, but whether it was so or not, this Court had no right to travel beyond its record in order to inflict punishment on an officer for an offence that *might have been committed*.

It may be said that the Court was actuated by an honest desire to vindicate the discipline of the service, but if so, then they committed a grave error again, for it is not the province of a Court Martial to take cognizance of faults not actually before them, and it is a species of errantry to assume powers devolving elsewhere.

The military uniform should no more be stained with injustice than the judicial ermine, and it is a perversion of the law to transform it into an instrument of oppression and individual persecution, to obtain an end, however meritorious, out of the legitimate sphere of their duty as Judges and Jurors.

The public service is not benefitted by any such display of mistaken zeal, but injured thereby.

As to his movement to the rear having been made in the absence of orders from his superior officer, General Sickles, be it remembered that the great majority of the stragglers had already gone to the rear, and that it was his duty to collect them to their colors again, that the few men with him were broken and exhausted from the marches and battles of four days, and that Sickles could not be found.

In such circumstances, surely a general officer is bound to assume the responsibility of acting according to his best judgment; and if punished for what may *appear* to be an error of judgment, is it not a grave mistake, considering that an officer might be deterred from acting on his judgment in the fact that the result may not justify his expectations? Again, the regulations of the service provide that "before the action the Generals indicate the places where they will be: and if they change position, they give notice of it, or leave a staff officer to show where they have gone," and it is the "custom of war" on like cases, for a commanding general to keep himself informed of the positions of the troops under his command, and to send them orders, and not for the inferior to ask orders from his superior.

Of this custom General Sickles, from his very small experience of military matters, was ignorant, as is shown by the stress he lays on this particular part of his accusation. The intelligence received from the prisoners captured by the scouts of Gen. Revere in front of his line of battle in the night before the action, the state of his command and the general aspect of the field, fully warranted him in pursuing the course he did, and it is now a certainty and matter of history that Stonewall Jackson would have attempted to have carried our lines in the direction of the U. S. Ford; and probably would have succeeded had he not been mortally wounded on the evening before the battle of Sunday, May 3d.

Had he done so, his manœuvre would have culminated in cutting off the retreat of our army, and it would have fallen into the hands of the rebels, with all its stores, artillery, and munitions of war of all kinds, a prize which would have set up the "Confederacy" for an indefinite period, and changed the whole face of things on this continent.

At all events, Gen. Revere was right in supposing that the next point of our lines where an attack would probably be made, would be in the direction he moved, although he was never so far from his original position that he could not have reached it in a reasonable time, and the "scene of action" would have been transferred far to the right, in the direction in which he marched.

We are entirely at a loss to understand what the Court meant by the "scene of action" in their finding; for if it meant the place where the action of the day had really been fought — which agrees

with the distance fixed by them as the limit of the march — that was in the full and undisputed possession of the enemy, and if it meant the open space near the White House, then that never had been in any sense a “scene of action,” for there was no fighting there at any time.

In fact the whole front of our lines may have been meant as the “scene of action,” and the troops of General Revere were as near that scene from the place marched to as he was in his original position.

But before he left the open space, it was filled with the fresh troops of the reserves, who had not been in action, and he was requested to remove his troops to make room for them by an aide-de-camp of Gen. Hooker's own staff.

We think it was a serious error in not making a defence before the Court, which at least could not then but have mitigated their severe sentence, or recommended the accused to the mercy of the revising power. The reason this was not done by the distinguished General (D. B. Birney) who conducted the defence, appears to have been that the charges on which the accused was tried were disproved by the evidence for the prosecution, in which opinion the court, by their verdict, show they fully concurred.

Of course General Birney, nor any one else, never imagined that the court would have resorted to an illegal mode of inflicting punishment by finding the accused guilty of a charge of their own making, and the defence pursued certainly the most generous part in leaving the case to their impartial judgment.

Other influences must, in our opinion, have been brought to bear upon the court, while they, perhaps, were not fully informed of the character of the accused, or his motives of action on the field, always the most important part of a defence of this nature; but if this sentence was the punishment of an error of judgment, then where, — in the present war, — are we to begin, and where stop?

A review of this “statement” would be incomplete, unless we had satisfied ourselves in some measure of the history and professional career of the officer who has been so summarily dealt with by a Court Martial composed of West Point graduates in part, and a sprinkling of lawyers and politicians thrown in, all bearing the grade of general officers, and mostly superior in rank to the accused. As military law is one of the branches of study taught at that institution, it would have been natural to suppose that ignorance on the part of the latter mentioned members should have received some enlightenment at their hands, even if they had no sympathy with an old and tried soldier like the accused, though not a graduate of their Alma Mater. It is significant of the country, of the new service and the new officers, improvised by the sudden war which has come upon us, that we never or seldom hear of the old soldiers of the army, except in commonplace terms, or in connection with reprehension, while with some names the newspapers are placarded, *ad nauseam*, and to this judicious system of advertising are the new generals principally indebted for their fame.

Charlatanism in this respect is not confined to the Barnum's, the Van Amburg's, and the pill venders, while the same political chicanery, humping and trickery, first learned at the Pewter Mug and Tammany Hall, has been successfully introduced into the camps, and also the court, if that term will apply.

In the case before us, we see plainly the fruits of that system of intrigue, practiced upon an old soldier, who proved, as might be expected, powerless, to maintain the unequal combat with this species of weapons, and forced to succumb accordingly.

In length of service under the Government of the United States, General Revere not only was the senior of every officer in the court which tried him, but also of every other in the Army of the Potomac in which he served, while the sphere of his service comprises the world. He received his first warrant as a Midshipman in the Navy from General Jackson, having been appointed in 1828, and since that time has been in the service of his country in the profession of arms continuously, except a short period passed in foreign service, having participated in all the wars in which the country has been engaged during that period with credit. The pirates of the Gulf and of the Indian seas, have been familiar to him, and he has pursued the stormy paths of his profession in the frozen Antarctic ocean, and the deleterious coast of Africa, in the everglades of Florida, in pursuit of Seminoles, and in pleasant California during the Mexican war, he having hoisted the first American flag ever given to the breeze on the north side of the Bay of San Francisco.

Having resigned his commission as Lieutenant in the Navy in 1850, while in California, after a service of twenty years, he entered the Mexican service, after some stay in that country, as a *ranchero* on a large estate, which he purchased during the war.

Of his career in that country we merely append the opinion of others, from original papers in his possession, to which we have had access while engaged on this review.

While commanding a small Spanish armed vessel in the Pacific Ocean, the subject of this paper, by his skill and courage, rescued from death and captivity sixteen persons, Spanish citizens, whose vessel had been stranded on the coast of the Gulf of California, near the Hiagui River, and received the honor of knighthood from the Queen of Spain, and a gold medal from the city of Cadiz, bearing the arms of the city and the inscription, "Honor, Devocion, Corage — Premio Publicado."

The following is a translation of the diploma received: — "Ysabel the Second, by the Grace of God, Queen of Spain and the Indies, to Don José W. Revere," &c.

"The ministers of our royal 'hacienda' having testified to your eminent services, we have been pleased to nominate you a knight of our Royal Order of Ysabel the Catholic, 4th Class, and to that end we have ordered the grand master and the Chancellor of that most illustrious order to forward you the insignia of the same.

"Done in Aranjuez on the 3d day of March, in the year of our Lord Jesus Christ, one thousand eight hundred and fifty-two.

(Signed.)

"I THE QUEEN."

The Count LUCHAND JUAN BERMUDEZ. (Signed.)

While Instructor of Artillery, with the rank of Lieutenant-Colonel, in Mexico, he accompanied the President into Morelia in the capacity of Chief of Artillery, which he had reorganized, and received many encomiums for his coolness and skill in action, especially where a column was attacked while entangled in a dangerous defile, and where he extricated two of his lightest pieces, making use of the well known skill of the Mexicans with the lasso, and dragging guns and carriages piecemeal up the rocky and precipitous sides of the defile, in an inconceivably short space of time, had them in battery and firing on the enemy's flank, turning a defeat into a victory, though not escaping himself without a severe wound, as witness the following translation of an order of the day:—

“GOD AND LIBERTY.”

“Mariano Arista, President of the Republic, &c.,” orders and decrees as follows:—

“Don José W. Revere, Knight of the most illustrious Royal Order of Isabella the Catholic, decorated with the Cross of Mexican valor and several medals of military merit, a Lieutenant-Colonel of the Mexican army, Instructor of Artillery, and Chief of that arm in the late campaign, has deserved well of the country for his skill and conduct at the battle of Los Trojes de Angangnes, and it is hereby made known to the army.”

(Signed,)

MIGUEL AZCARATE.

Retired Colonel, Governor of the City of Mexico, May 12, 1852.

At the breaking out of the present war, General Revere had lately returned from Europe, and immediately offered his service to the general Government as a Naval Officer: but as the Secretary decided he could not give him his original rank, he then offered them to the Government of New Jersey,—he being a resident of that State,—to command a regiment, and marched in the summer of 1861 with the Seventh Regiment, as its Colonel, to Washington, where the regiment received an instruction and discipline from him second to none of the newly-raised volunteers.

He took part in the battles of the peninsula, being especially commended in General Orders for his conduct on the 25th June, before Richmond, and then in the disastrous campaign of Pope, receiving honorable mention for his gallant conduct at the battle of Manassas, where he was wounded, and shortly after was promoted, and commanded the 3d Brigade of the 2d Division, 3d Corps, at the battle of Fredericksburg. Being shortly after transferred to the command of the Excelsior (2d) Brigade of the same gallant and veteran Division, he led them at Chancellorsville, without reproach while the fighting was going on; but after it was over, made the movement for which he fell under the censure of his superior officers.

As an instructor and disciplinarian, General Revere has been well known in the Army of the Potomac, and his old regiment, the Seventh New Jersey, has had a reputation inferior to none in the service, the fruits of his care and pains having been conspicuously displayed at the battle of Chancellorsville, where this regiment,

reduced to about two hundred and sixty men, captured more than their number of prisoners, and five regimental standards from the enemy. He was also the first military man who gave his testimony in favor of employing colored troops in this war, founded on the fact that every negro would stand in the place of a white man, and testifying to their courage and endurance in war, an opinion founded on his experience in the navy, where colored seamen are much employed. These views were given in an eloquent letter to Governor Olden in the summer of 1852.

Surely a record like this should have outweighed with the court all but the most direct and certain proof that this officer (a gentleman of a patriotic family, being a grandson of Colonel Paul Revere, of revolutionary memory, two of whose members have lost their lives in the present struggle, one at Antietam and the other at Gettysburg.) had committed a crime against discipline especially.

But one conclusion must be come to, even by the most prejudiced person who may read this "statement," and which cannot be denied, that the officer who suffers under this sentence, has hitherto borne his part usefully, energetically, and earnestly in the contest in which we are engaged, into which he entered from the most patriotic of motives, and that the evidence against him does not warrant so terrible a punishment to one who has passed nearly his whole life in the public service.

"He who excuses himself accuses himself," says an old French proverb, but fortunately the present case affords an example of a complete exoneration from blame, by the mere setting forth of the facts, so powerful and irresistible is the power of truth, and these facts we shall lay before the reader.

In pursuance of this resolve, we now set forth the continuing chapter of this remarkable "*cause celebre*," consisting chiefly of official documents connected with the case; and, in the regular course of events, commence with the following order sent to Gen. Revere just after the return of the army from its disastrous campaign of the first days of May, 1863:—

HEAD QUARTERS, THIRD ARMY CORPS. }
May 10th, 1863. }

GENERAL,—The Major General commanding directs that you establish your quarters at or near Stoneman's switch, until further orders.

The Brigade Quarter Master will furnish you the facilities to move. Let it be without delay.

Very respectfully, your obt. serv't.,

O. H. HART, Ass't. Adj't. Gen.

To Brig. Gen. REVERE.

This vermillion edict, of course, was to show the recipient that no quarter was to be given or asked, for just before it was issued, orders had been given to the "war correspondents" to open fire upon General Revere's rear through the columns of the New York

press, as will be seen by the following official correspondence, which took place after the trial had been held :

CAMP NEAR FALMOUTH, VA., }
June 1st, 1863. }

GENERAL. — The following paragraph appeared in the New York Times of the 10th of May, 1863 : —

“ARREST OF GENERAL REVERE.”

“On Monday morning, after we had successfully repelled the attack of the rebels in our front, General Revere, commanding the Excelsior Brigade, marched his men out of their position back to the U. S. Ford.” “This proceeding on his part seemed entirely incomprehensible to his officers and men.”

“They had never before received orders to retreat before an enemy, and they looked upon this as a mistake of some one.” “Who that some one was they could not tell, but like true soldiers, who obey the mandates of their superiors, they wended their way to the ford with hearts sinking within them.” “The disgrace of a retrograde movement had never yet fallen on their noble escutcheon.” “‘Excelsior’ was not a motto for a rear guard (!) to have engrossed upon their banners.” “Their battle-torn and tattered flags, remnants of what had once been as bright and beautiful as the colors of the rainbow, appeared to them steeped in disgrace ; but their absence from the front was one of short duration.”

“As soon as General Sickles heard of the ignoble course of their commander, he dispatched all his available aids with the most peremptory orders for their immediate return to the front ; and, in a little time, back came the old veterans with hearts full of pride at the thought of again sharing with their comrades the fortunes of the field.” “On hearing of their return, General Sickles sent immediately for General Revere, and enquired of him his reasons for this strange procedure.” “Gen. Revere had no particular excuse to make, save that his men were out of ammunition,” “(when there was plenty within a stone’s throw of his former position).”

“His frivolous apologies for his conduct General Sickles would not accept, and he ordered him under arrest, to report at Falmouth.” “The expression of indignation on the face of Sickles, as he addressed General Revere when placing him in arrest, was a study for a painter.”

“General Sickles had always been a friend of Revere’s.” He (Revere) had been placed in command of Sickles’ old brigade. “General Sickles thought a great deal of him, but Sickles has no friends on the battle-field who fail to discharge their duties.” “In the flashing eyes of Sickles, when he relieved Revere, you could have read :

“Cassio I love thee —
But never more be officer of mine.”

The following paragraph appeared in the New York Herald of the same date : —

“VALOR OF THE EXCELSIOR BRIGADE.”

“The Excelsior Brigade was among the most efficient corps of the army.” “They fought like tigers wherever placed, and never

wavered." "They were deserted by their commanding officer (who, I understand, has been placed in arrest,) but remained steadfast at the post of duty and danger." "Among the trophies taken by them are nearly a dozen standards of colors, the regiments to which they belonged having been annihilated by the steadiness of this little band."

"Prominent among them is a rebel battle-flag carried by the Eighteenth North Carolina Regiment, a sketch of which I annex."

(Here follows the sketch of a flag which was really taken by the Fifth New Jersey Regiment).

The Excelsior Brigade, which I had the honor to command at the battle of Chancellorsville, nobly performed their duty, but captured no colors from the enemy, and desire not, I am sure, to be credited with the achievements of their comrades in arms of the 2d Division, 3d Corps, the 3d or New Jersey Brigade.

I have, General, no means of knowing who are the correspondents of these newspapers who wrote the above paragraphs; but knowing that the commanding general has issued an order making such correspondents responsible for their statements, I beg leave to state that both of the above paragraphs are false, more especially those portions which charge me with having deserted my command, and for the sake of military discipline, in the name of military justice, and as some reparation for the injury done me personally by the publication of these calumnies, most respectfully ask of the commanding general that measures may be taken at once for the correction of so gross an outrage.

I am, general, most respectfully, your obt. servt.,

J. W. REVERE, Brig. Gen.

Gen. S. WILLIAMS, Ass't. Adj't. Gen. Army of the Potomac.

This letter was approved through the generals commanding the division and corps, Gen. Sickles being absent, and was returned with the following endorsements: Hd. Qrs., A. of the P., June 4th, 1863. "Respectfully returned through the com'g. off'r. 3d corps, Gen. Revere will please forward the names of the correspondents to whom he refers." "All communications from the army are published over the names of the writers." By command of Major Gen. Hooker.

S. F. BARSTOW, A. A. G.

It was re-forwarded with the following endorsement: "Respectfully re-forward with statement of Major J. P. Finkelmeier, A. A. Gen., as to the authorship of the article in the New York Times, which was not signed by any person as the author as required. Lieutenant Mac Duff, aide-de-camp of Gen. Sickles, is believed to be the author of the article, however, in violation of the Articles of War and existing general orders. The Herald article was taken from a Sunday paper, none others being received, and it is believed that its author was either Mr. G. W. Hasner, J. H. Vasburg, or A. B. Talcot, but which of them cannot be ascertained.

(Signed,)

J. W. REVERE, Brig. Gen.

The following is a copy of the letter of Major Finkelmeier referred to in the foregoing endorsements, and re-forwarded with it:—

CAMP NEAR FALMOUTH, }
June 9th, 1863. }

GENERAL. — In reply to your inquiry about the publication of certain articles in the New York papers, referring to your relief from command, I will state that about the middle of May, Lieutenant Mac Duff came to my tent and stated that rumors were afloat assigning to him the authorship of said articles. He would simply say, that, "*if General Sickles, on inquiry, would not state the name of the author, that he would take the responsibility for it.*"

The next day I was present when Captain Le Fort said to Captain Chester that Lieutenant Mac Duff had made a similar statement to him on the same evening.

Very respectfully, &c.,

(Signed,) JOHN P. FINKELMEIER.

To General REVERE.

This application apparently was smothered somewhere, for no more was heard of its fate by General Revere, although the origin of the letter was clearly traced to the head quarters of the 3d Corps; while to show with what implements the dirty work of calumny was done, we append the following statement:—

"Lieut. Mac Duff, in company with Crosby, arrived at my camp at 11, P.M., May 2d, bare headed; one or two orderlies were with him.

Upon alighting, said, "we are all that is left of the head quarters, 3d Corps." "Gen. Sickles and staff are all killed or taken prisoners, and I got out by cutting my way through." He also said the rebels fired several volleys at him. The above was said in the presence of Captain Young, ordnance officer of Sickles' staff, and Mr. Morrison, clerk to Captain Fry.

(Signed,)

WM. E. MORFORD,

Lieut.-Col. and Quartermaster.

Defences of Aquia Creek, June 10, 1863.

Captain Lovell Purdy, Fifth Excelsior, was present when Lieut. O. Kelly, Quartermaster Fifth Excelsior, received this paper from Colonel Morford.

To show still further the animus of the principal prosecutors and chief witnesses in this most discreditable transaction, whose antecedents are but too well known to the public, we quote from the testimony of Sickles before the Court Martial, as follows: "I commanded the Third Army Corps on May 3d. Gen. Revere commanded the 2d Brigade, 2d Division, of that Corps. The orders that the 2d Division had communicated in person to General Berry, were to occupy the rifle pits and entrenchments to the right and left of the plank road between Chancellorsville and General Slocum's head quarters, on Friday.

"General Birney's division was to the left of General Berry, and in front of the house which I mentioned as General Slocum's head quarters."

"When we retired from that position, I took a second position in rear of Chancellorsville, where I established my head quarters, formed on the road leading to U. S. Ford, and where, through staff officers, I directed commanding officers of Brigades and Divisions to report to me, with their commands." Gen. Berry was killed before this last movement. "The command of the 2d Division devolved upon Brigadier-General Carr, to whom I communicated my orders."

"Gen. Carr informed me, through a staff officer, that Gen. Revere claimed the command of the division as senior." "I did not recognize the claim of General Revere." "Observing that the 2d Brigade of that Division (Revere's,) and a portion of the 3d Brigade (Mott's,) did not report, I sent to Gen. Carr for an explanation, and he reported that Gen. Revere had taken his Brigade, and a portion of the 3d Brigade, to the rear," &c.

Question by the Court. — Who is the senior, General Carr or General Revere?

Answer. — General Carr. "In justice to General Revere, I ought to state that he might have been under the impression that he was senior, because, although General Carr was originally the senior, General Revere's appointment was confirmed by the Senate, and General Carr's appointment was not acted on." "General Carr was subsequently reappointed from his original date, which reestablished the relative rank, making Carr the senior." "It was, perhaps, known to General Revere that General Carr's reappointment bore date in March, and not, perhaps, known to him that Gen. Carr's original date had been given to him," &c.

Now, in so important a matter as the relative rank of two generals commanding brigades in the same division, upon which the precedence of their commanders in all movements of the division, such as field manœuvres, marches, reviews, &c., is based, how could there have been any mistake up to this particular time, when a vacancy occasioned in the command of the division? And if General Carr had such an appointment as stated by General Sickles, why had it not been *officially promulgated* to the Third Army Corps? But it is well known that not only General Carr had not, at that time, received a letter of appointment from the President giving him his original rank, but that, if he had, he could not take rank over an officer holding a commission ratified by the Senate.

Carr himself, apparently, knew nothing of the new rank which he held, according to Sickles, as he states in his testimony: "I belonged to the 1st Brigade, 2d Division, 3d Corps, on the 3d May, 1863. The division was under command of General Berry, who was wounded, and died about 7.26, A.M., of that day. I was then notified by the chief of staff that I was in command of the division," &c.

Now, put together these portions of the evidence of Sickles and Carr, and we have the springs of action which influenced them to rid themselves of Revere, in order to get rid of the question of rank altogether, which they knew must be decided against them if raised.

Carr had previously been placed with his command at all reviews, &c., junior to both Mott and Revere, and did not assume command of the division after Berry was killed, until he was informed of his right to do so by "the chief of staff" of General Sickles!

Could we ask a plainer proof that he did not think himself entitled to it?

But we have, elsewhere, in this review, shown that this question of rank was entirely on the side of Gen. Revere, and that he was by the law and customs of war, fully entitled to the command of the division after the death of Gen. Berry and the wounding of Gen. Mott.

To proceed in the analysis of testimony such as this is not a pleasant task; but we must give one more item of the evidence of Gen. Carr, who, be it remembered, was on his oath before a court martial engaged in the trial of a brother officer on the most serious charges, involving his life and honor, yet states, as a fact, that "Gen. Revere sent an aide or an orderly to me about 11, A.M., and ordered me to report to him near the U. S. Ford, so the aide said;" but being questioned, said, "I do not remember the name of the aide." Singular, indeed, that it should have been forgotten; for in his "statement," Gen. Revere says, "I positively deny having ever sent an aide or orderly, or any other messenger, to Gen. Carr, with orders to him to report to me at or near the U. S. Ford, as that officer has stated in his testimony on the trial," and the members of his staff all deny emphatically ever having conveyed such orders.

Paragraph 220, of the Revised Army Regulations, is as follows: "Deliberations or discussions among any class of military men, having the object of conveying praise, or censure, or any mark of approbation toward their superiors, or others, in the military service; and all publications relative to transactions between officers of a private or personal nature, whether newspaper, pamphlet, or hand bill, are strictly prohibited."

All correspondence for publication on army subjects, in accordance with the foregoing, has been stringently prohibited also, in the "General Order" of the Army of the Potomac repeatedly; yet when an officer of high rank, in a case like the present, is defamed, and even history falsified, by lying and slanderous correspondence, the authorship of which is distinctly traced to an aide-de-camp of the general commanding the corps in which he has the misfortune to serve; and representation made thereof to the general commanding the army, the inquiry is stilled, and the slanders are allowed to go unanswered!*

No matter that the aggrieved officer is under arrest, and therefore powerless, that he has been tried by a Court Martial, and therefore in the hands of the law; no matter that the publications in question are calculated to injure him in the public estimation, and to carry grief and anguish into the bosom of his family, which he has left to fight the battles of his country, still the malice of his persecutors must be gratified, even at the expense of every right, and of every manly and honorable principle.

* All official correspondence has to pass through the regular channels of superior officers.

If this be not cruelty and oppression we do not know where to look for it. Was it not enough to be tried by a Court Martial on charges that, had they been proved, his life, and worse, his honor as a soldier, would have been forfeited. Was it not enough that the business of his whole life, and the aspirations of martial distinction and promotion, should be entirely cut off. Was it also necessary for the prosecutor of these charges that the accused should also be blasted in his private relations with his home kindred and acquaintances, in order to furnish a "first-rate advertisement" to the hero of two years experience in military life, and of course the representative American soldier, and the Cæsar or Napoleon of this war!

It is a grave mistake to treat our soldiers in this way for very apparent reasons, while in all military countries there is no class whose rights and privileges are more jealously guarded by the government and their own tribunals, one of which, composed of nine general officers, has been brought into contempt in the instance before us, by action diametrically opposed to all ideas of justice and law.

If their collective wisdom could not meet the case before them in a spirit of fair play towards both the prosecution and the defence, we cannot be astonished at seeing in the papers the work of courts, composed of their juniors, like the following, nor can we help wishing that General Schenck's Bureau of Military Justice may be organized without delay.

INJUSTICE OF COURTS MARTIAL. — ROMANCE IN REAL LIFE. — The Washington Republican, commenting on an article in a New York paper, says: "The author of the article ought to know by this time that Courts Martial do not always arrive at correct conclusions. For instance, not many days since information reached the President that a young man belonging to the Army of the Potomac had been sentenced by Court Martial to be shot for desertion. The boy was doomed to die in a few hours when the despatch was received. No time was to be lost. A telegram was sent to General Meade suspending the execution. An examination of the case was ordered by the President, when it was ascertained that the young man ought to have been promoted long ago for gallant and meritorious service, instead of being shot! It appeared that upon the march of the Army of the Potomac towards Maryland, on the occasion of Lee's first raid northward, the young man alluded to became exhausted and fell out of the ranks, and, as soon as he recovered, he proceeded on after his regiment, but not finding it, and there being no time to lose, he fell into the ranks of another regiment, and fought gallantly at South Mountain and Antietam, and was wounded in the last-named battle. He was sent to a hospital, which fact, by the absence of a proper system in such cases, did not reach the officers of his regiment. At last he was arrested as a deserter, tried, condemned, and about to be shot, when, by the interference of the Executive, his life was saved; and a young man, hastily condemned to an ignominious death, was suddenly restored to honor."

In addition to the above, a gallant New Jersey volunteer was recently tried by Court Martial and sentenced to be shot; and three

months after he was executed, a reprieve was despatched to him. Another and most deplorable instance of Court Martial injustice!

We give a list of the members of the Court Martial, of which a majority must have consented to the finding and sentence:—

1. Major-General W. S. Hancock, volunteer service.
 2. " John Newton, "
 3. Brigadier-General Jas. S. Wadsworth, "
 4. " W. T. H. Brooks, "
 5. " A. A. Humphreys, "
 6. " John Gibbons, "
 7. " F. C. Barlow, "
 8. " R. B. Ayres, "
 9. " S. K. Zook, "
- Lieut.-Col. E. R. Platt, volunteer service, Judge Advocate.

We have endeavored, in this review, to confine ourselves strictly to the case of Gen. Revere, and to the official action which condemned him; but, in conclusion, we cannot avoid contrasting it with that of other alleged delinquencies of the kind, which we need scarcely to revert to be understood.

We may fairly ask the question, why such evident derelictions from the paths of soldierly duty as the abandonment of Harper's Ferry and Winchester, with its large stores of all kinds, so precipitate in the latter case, that all the stores, artillery, and baggage, were left behind, *including the wife of the general*, together with other instances, have been allowed to pass almost unquestioned, while the highest punishment was inflicted on this officer for an alleged offence against "good order and military discipline," in the exercise of a manœuvre on the field, about the propriety of which a difference of opinion at least may honestly be entertained, and which certainly resulted in nothing injurious to the service, but rather the contrary.

Why should charges be preferred against Revere for "neglect of duty, &c.," in leaving on the field the arms of the killed and wounded, and wasting ammunition fired at the enemy by his command, and why should Hooker get off unscathed, after having, the very next day, ingloriously abandoned that same field, in presence of an inferior force of rebels, in opposition to all his generals in council, except the Mephistophiles of these proceedings, leaving not only arms, equipments, and ammunition, but immense stores of all kinds for Lee's especial delectation, and his wounded to the care of the rebel surgeons? Is the typical sword of military justice two edged and cutting both ways, or does Will Shakspeare say truly—

"That in the officer's but a choleric word,
Which in the soldier is rank heresy."?

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